

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

**JASON C. SCHNEIDER, *et al.*,**

Plaintiffs,

v.

**LLOYD J. AUSTIN III, *et al.*,**

Defendants.

Case No. 3:22-cv-00293

**JOINT STATUS REPORT AND MOTION TO ENTER SCHEDULE FOR  
FURTHER PROCEEDINGS**

In September 2022, this Court stayed proceedings and administratively closed this case “unless and until the preliminary injunction” in *Colonel Financial Management Officer v. Austin* (“*Col. FMO*”)<sup>1</sup> “is vacated or stayed.” *See* ECF No. 25. On May 19, 2023, Defendants notified the Court that the preliminary injunction in *Col. FMO* had been dissolved, the class decertified, and the action dismissed as moot in light of the rescission of the vaccination requirement challenged in that case and the present matter. *See* ECF No. 27. After conferring, the parties agreed to file a joint status report on or before July 10, 2023, to propose next steps for this litigation. *See* ECF No. 28.

Since then, the parties have discussed what next steps will be necessary to resolve this case. The parties agree that Plaintiffs’ claims are moot, with the exception of Plaintiffs’ claim for attorneys’ fees. Accordingly, the parties respectfully propose the following

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<sup>1</sup> *See* No. 8:22-cv-01275-SDM-TGW (M.D. Fla.).

schedule for further proceedings in this matter:

- Plaintiffs will file a stipulation of dismissal of all their claims, with the exception of their claim for attorneys' fees, no later than August 10, 2023;
- Plaintiffs will file a motion for attorneys' fees no later than August 10, 2023;
- Defendants will file a response to Plaintiffs' motion for attorneys' fees no later than August 31, 2023;
- Plaintiffs will file a reply in support of their motion for attorneys' fees no later than September 14, 2023.

The parties appreciate the Court's consideration and respectfully request entry of the proposed schedule.

Dated: July 10, 2023

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 10, 2023, I electronically filed the foregoing paper with the Clerk of Court using this Court's CM/ECF system, which will notify all counsel of record of such filing.

*/s/ Jody D. Lowenstein*  
JODY D. LOWENSTEIN  
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